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UNITED STATES PATENT AND TRADEMARK OFFICE  
(Case No. 01-1320-A)

PATENT

In the Application of:  
Carpenter

Serial No.: 09/843,961

Filed: April 27, 2001

For: Improved Analyte Assays and Devices

Art Unit: 1641

Examiner: Nguyen, Bao Thuy L

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TRANSMITTAL LETTER**

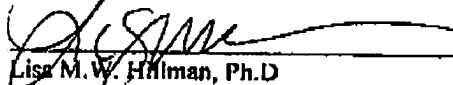
Dear Sir:

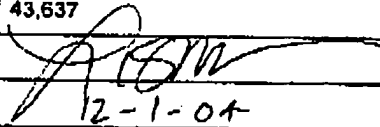
In regard to the above identified application,

1. We are transmitting herewith the attached:
  - a) Terminal Disclaimer to Obviate a Double Patenting Rejection Over Prior Art.
2. With respect to fees:
  - a) ☒ Please charge our Deposit Account No. 13-2490 in the amount of \$110.00.
  - a) ☒ Please charge any underpayment or credit any overpayment our Deposit Account No. 13-2490.
3. CERTIFICATE OF FACSIMILE UNDER 37 CFR § 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described in paragraph 1, are being faxed to the Commissioner for Patents, Alexandria, VA 22313-1450 on December 1, 2004 at 703-872-9306.

Respectfully submitted,

Date: December 1, 2004

  
Lisa M. W. Hillman, Ph.D.  
Reg. No. 43,673

<b>TERMINAL DISCLAIMER TO OBIATE A DOUBLE PATENTING REJECTION OVER A PRIOR PATENT</b>		Docket No. 01-1320A
In Re Application of: Carpenter Application No.: 08/843,961 Filed: April 27, 2001 For: Improved Analyte Assays and Devices		
<p>The owner*, IDEXX Laboratories, Inc., of 100% percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173 as shortened by any terminal disclaimer, of prior Patent No. 6,235,538. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.</p> <p>In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any prior patent, as presently shortened by any terminal disclaimer. In the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.</p> <p>Check either box 1 or 2 below, if appropriate.</p> <p>1. <input type="checkbox"/> For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.</p> <p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.</p> <p>2. <input checked="" type="checkbox"/> The undersigned is an attorney or agent of record.</p> <p>3. <input checked="" type="checkbox"/> Terminal disclaimer fee (\$110) under 37 CFR 1.20(d) is included.</p>		
Name	McDonnell Boehnen Hulbert & Berghoff LLP	
Address	300 South Wacker Drive, 31 <sup>st</sup> Floor	
City, State, Zip	Chicago, Illinois 60606	
<b>SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED</b>		
Name	Lisa M.W. Hillman	
Reg. No.	43,637	
Signature		
Date	12-1-04	
*Statement under 37 CFR 3.72(b) is required if terminal disclaimer is signed by the assignee (owner).		